

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

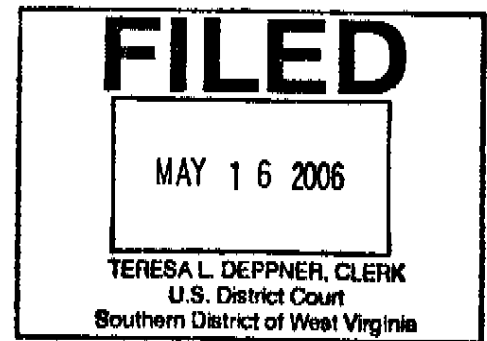
AMERICAN METALS & COAL
INTERNATIONAL, INC.,
a Delaware Corporation,

Plaintiff,

v.

WHITE MOUNTAIN MINING CO., LLC
a West Virginia Limited Liability Company,
APACHE MINING CO, LLC
a West Virginia Limited Liability Company,

Defendants,



Civil Action No. 2:05-0822

WHITE MOUNTAIN MINING CO., LLC
a West Virginia Limited Liability Company,

Counterclaimant and Third
Party Plaintiff,

v.

AMERICAN METALS & COAL
INTERNATIONAL, INC., a corporation;
AMERICAN METALLURGICAL COAL
SALES, L.L.C., a limited liability company;
and SCM, INC., a corporation

Counterclaim and Third Party Defendants,

SCM, INC., a corporation,

Counterclaimant and Third Party Plaintiff,

v.

WHITE MOUNTAIN MINING CO., LLC
a West Virginia Limited Liability Company,
APACHE MINING CO, LLC
a West Virginia Limited Liability Company,

Counterclaim and Third Party Defendants.

RULE 26(a) DISCLOSURES OF DEFENDANT, COUNTERCLAIMANT,
AND THIRD-PARTY PLAINTIFF WHITE MOUNTAIN MINING CO., LLC.

Defendant, Counterclaimant and Third-Party Plaintiff, White Mountain Mining Co., LLC

("WMM"), hereby states the following for its disclosures, pursuant to F.R.C.P. 26(a):

1. Individuals likely to have discoverable information under Rule 26(a)(1)(A):

- (a) Hans J. Mende, One Energy Place, Latrobe PA 15650, (724) 537-5731. Mr. Mende would have knowledge of contract sales and corporate structure.
- (b) Paul S. Barbary, 430 Harper Park Drive, Beckley, WV 25801. Mr. Barbary would have knowledge of corporate and joint venture issues as well as bankruptcy matters.
- (c) Corporate Records Custodian for Alpha Coal Sales Co., LLC, One Energy Place, Latrobe PA 15650, (724) 537-5731. The records custodian would possess coal sales records.
- (d) Andrew Fry, 9900-A Twin Lakes Parkway, Charlotte, NC 28269, (704) 947-7802. Mr. Fry would have knowledge of specific coal sales transactions and contracts.
- (e) David Hill, c/o Iron Eagle resources, LLC, 3873 Robert C. Byrd Drive, Beckley, WV 25801, (304) 250-0171. Mr. Hill would have general knowledge of accounting issues on coal sales.
- (f) Joseph C. Phillips, c/o Iron Eagle Resources, LLC, 3873 Robert C. Byrd Drive, Beckley, WV 25801, (304) 250-0171. Mr. Phillips would have knowledge of contracts at issue in Complaint, Counterclaim and Third-Party Complaint.

2. Description of documents, compilations and tangible things under Rule 26(a)(1)(B):

All applicable contracts at issue in the Complaint, Counterclaim and Third-Party Complaint. Copies of such contracts in WMM's possession are attached. WMM will be unable to identify a number of documents until parties respond to production requests.

3. Damages sustained by disclosing party under Rule 26(a)(1)(C):

WMM has asserted damages in the Counterclaim and in the Third-Party Complaint that are incapable of quantification until WMM is able to conduct discovery on a number of matters including, but not limited to, the prices the Third-Party Defendants charged third parties for WMM coal and the profits retained with respect to such coal.

4. Insurance agreements under Rule 26(a)(1)(D):

There is no applicable insurance coverage known to WMM for the matters subject to this action. In the event discovery reveals the existence of any applicable insurance agreement, WMM will supplement its response.

5. Experts under Rule 26(a)(2):

WMM has not retained any experts. WMM will supplement these disclosures if new information becomes available.

WHITE MOUNTAIN MINING CO., LLC
By Counsel

LEWIS, GLASSER, CASEY
& ROLLINS, PLLC

By: 

John A. Rollins, WV Bar #3165

Spencer D. Elliott, WV Bar #8064

BB & T Square, Suite 700

P.O. Box 1746

Charleston, WV 25326


(304) 345-2000

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 15, 2006 he served the foregoing Rule 26(a) Disclosures on the persons hereafter set forth by First Class United States Mail, postage pre-paid, to the address noted.

Brian Glasser
A.B. Maloy
Bailey & Glasser, LLP
227 Capitol Street
Charleston, WV 25301

Charles R. Bailey
Bailey & Wyant, PLLC
P.O. Box 3710
Charleston, WV 25337-3710



Spencer D. Elliott